

STATE OF GEORGIA

DEKALB COUNTY

PETITION TO DEMAND PAYMENT OF EXCESS BID

TO: Claudia G. Lawson, Tax Commissioner and Ex Officio Sheriff of DeKalb County, Georgia

RE: Parcel ID _____ Property Address _____

_____ ("Petitioner") demands payment of the excess bid, or part thereof, from a certain Ex Officio Sheriff's tax sale; and

On _____, property owned by _____ and identified above was sold at a tax sale by the Tax Commissioner and Ex Officio Sheriff of DeKalb County to _____; and

The sale brought a bid in excess of the taxes and costs; and the amount of excess bid total is \$ _____, as evidenced in the Ex Officio Sheriff's Sale Docket; and

(THIS SECTION IS ONLY FOR CLAIMS FILED BY A SECURED PARTY.)

Petitioner deposes and warrants that it holds or possesses a secured interest in the referenced property; and said lien is in the principal amount of \$ _____, with an additional amount of \$ _____ for interest and costs, and that the lien is [inferior to a mortgage held by _____ but is] superior to all other mortgages, liens, encumbrances, or claims; and

(THIS SECTION IS ONLY FOR CLAIMS FILED BY THE TAXPAYER.)

Petitioner deposes and warrants that he or she is the defendant, owner of the property at the time of the tax sale, or assignee of the right to the excess; and is entitled to claim the excess; and said claim of interest is superior to all others except _____ (e.g., ABC Mortgage Co.). ; and

Petitioner demands payment of the excess bid in the amount of \$ _____, **after paying the taxes and costs of making the sale and after paying superior claims**, according to O.C.G.A. § 48-4-5.

Petitioner agrees to indemnify the Tax Commissioner and her agents and employees, or DeKalb County and its agents and employees, from and against any and all claims, damages, losses and expenses of any kind arising out of or resulting from payment of the excess bid to the Petitioner. The petitioner agrees to return any excess funds to the Tax Commissioner if another person or entity claims the funds and had a higher priority to the funds than the petitioner under O.C.G.A. § 48-4-5 .

The claimant avers under oath that the claimant is entitled to the excess funds and that there are no other lienholders with a superior interest to that of the claimant, unless specified above, this _____ day of _____, 20_____.

Petitioner's Signature (Under Seal)

Petitioner's Address

Petitioner's Name and Title (printed)

Petitioner's City, State and Zip Code

Petitioner's Phone

Petitioner's Email Address

Notary Required

NOTE: All signatures must be notarized. If an alternate form is used, it must contain the language in this form. All signatures are subject to verification. Claims are evaluated on a case by case basis considering the documentation presented and all other information that is available to the Tax Commissioner, her attorneys, employees, and contractors. Because of the inherent varied circumstances involved in evaluating claims, we do not make estimates of time to pay claims. Once a determination of entitlement is made the claims are paid immediately within the bounds of the doctrine of reasonableness. All claims must be made by party entitled to receive the funds or their bona fide Attorney, licensed to practice law in the State of Georgia. Powers of Attorney are not acceptable. The Tax Commissioner has the option of filing an interpleader with the Superior Court for determination of entitlement to the funds.

Claims can be filed in person or by mail: DeKalb County Tax Commissioner, 4380 Memorial Dr., Suite 100, Decatur, GA, 30032